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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,476	07/30/2003	Venanzio Cardarelli	1255.21	7464

7590 04/07/2004

D. MICHAEL BURNS
37-6 Belmont Court
Brockton, MA 02301

EXAMINER

HOOLAHAN, AMANDA J

ART UNIT	PAPER NUMBER
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2859

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/629,476	Applicant(s) CARDARELLI, VENANZIO	
	Examiner Amanda J Hoolahan	Art Unit 2859	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>30 July 2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to because numeral 26 is not pointing out anything in the drawing (Figure 2). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claims 1 and 2 are objected to because of the following informalities: It is unclear to the examiner whether there is more than one rotator. Claim 1, line 13 states "rotators," however only one has been previously claimed and therefore, for further examination, the examiner will assume there is only one rotator. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-2 and 4-5 are rejected under 35 U.S.C. 102(e) as being unpatentable by US

Patent Application Publication No. US 2002/0178997 to Tsui-Hua.

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Numerals A and B have been added to Figure 2 by the examiner in reference to certain components of the device disclosed by Tsui-Hua. See copy attached at the end of this action.

Tsui-Hua discloses a flag mounting device to prevent furling of a flag around a flagpole, the device comprising a rotator (30) having an aperture (B) defined therein for through passage of the flagpole (10), the rotator having means for holding the flag (see Figure 2); an upper stabilizer and a lower stabilizer (21), each positioned on an opposing side of the rotator, the stabilizers having means (A) for positioning and supporting the rotator on the flagpole; the upper stabilizer having a first semi-circular flange (32) extending downwards through the aperture of the rotator and encircling the flagpole therein; the lower stabilizer having a second semi-circular flange (32) extending upwards through the aperture of the rotator and encircling the first flange in a generally frictionless relationship, and wherein the rotator may rotate 360 degrees about the flagpole; means for holding the flag to the rotator comprises said rotator having an extended portion (31) therein, the extended portion having a rod opening (311) for receiving an opposing end of a rod (50), and the flag (40) mounted to the rod; the positioning and supporting means of the stabilizers include screws (A)(see Figure 2) that may be hand tightened to secure and maintain their position on the flagpole; the positioning and supporting means of the stabilizers include friction locks (22) that firmly affix the stabilizers to recesses defined in the flagpole.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui-Hua in view of USPN 6,389,659 to Jacobs.

Tsui-Hua discloses the flag mounting device as described above in paragraph 4.

Tsui-Hua does not disclose the device wherein the flag has a built-in sleeve for mounting to the rod and the flag further including continuous and segmented plastic strips for adding weight to the flag to avoid furling and maintain the flag in proper flying position.

Jacobs discloses a flag mounting device comprising a flag (12) having a built-in sleeve (13) for mounting to the rod and the flag further including continuous and segmented plastic strips (14) for adding weight to the flag to avoid furling and maintain the flag in proper flying position. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to replace the flag, disclosed by Tsui-Hua, with the flag having a built-in sleeve and plastic strips, as taught by Jacobs, in order for the user to be able to easily place on and remove the flag from the rod and for the flag to be sturdy enough for everyday use.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui-Hua in view of USPN 5,809,930 to Brooks.

Tsui-Hua discloses the flag mounting device as described above in paragraph 4.

Tsui-Hua does not disclose the device wherein the lower stabilizer includes a countersunk rotation resistance screw for providing control of the degree and speed of rotation.

Brooks discloses a flag mounting device comprising a countersunk rotation resistance screw (76) for providing control of the degree and speed of rotation. Therefore, it would have

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been obvious to a person having ordinary skill in the art at the time the invention was made to add the countersunk rotation resistance screw, as taught by Brooks, to the lower stabilizer, discloses by Tsui-Hua, in order for the user to be able to determine the force exerted by the rotator on the flagpole.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsui-Hua in view of USPN 5,291,849 to Zeitler.

Tsui-Hua discloses the flag mounting device as described above in paragraph 4.

Tsui-Hua does not disclose the device wherein the rotator further includes a friction-fitting slit secured by a clamp for affixing flags without the use of a rod.

Zeitler discloses a flag mounting device having a mounting piece (164) including a friction-fitting slit (see Figure 8) secured by a clamp (176, 178) for affixing the flag to the device. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to add the mounting piece, as taught by Zeitler, to the device, disclosed by Tsui-Hua, in order for the flag to be more securely mounted to the flagpole.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. USPN 5,603,389 to Zemon, USPN 5,495,821 to Brewer, USPN 5,375,555 to Dolan, USPN 5,904,116 to Wyner et al., USPN 5,943,980 to Huang, USPN 6,276,083 to Ross, USPN 6,584,928 to Kinahan, and US Patent Application Publication No. US 2003/0192467 to Paris disclose rotatable flag mounting devices.

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda J Hoolahan whose telephone number is (571) 272-2246.

The examiner can normally be reached on Monday through Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diego F Gutierrez can be reached on (571) 272-2245. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ajh
April 5, 2004



Diego Gutierrez
Supervisory Patent Examiner
Technology Center 2800

**CHRISTOPHER W. FULTON
PRIMARY EXAMINER**